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CASE NO. 2888.

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR
UTAH COUNTY.

Provo Reservoir Company,
A Corporation
Plaintiff

Vs.

Provo City, Lincoln School District, The Provo Bench Canal and
Irrigation Company, The Lake Bottom Canal Company, Et al, Defendants.

Now comes the Lake Bottom Canal Company, one of the defendants,
in the above entitled cause and makes its answer to the said plaintiff
Complaint for its self alone and not for any one or more of the other
defendants and admits, denies, and alleges as follows to-wit;

I

Admits the allegations in paragraphs from I to 29 inclusive.

II

As to the allegations in paragraphs from 29 (A) to 29 (C) inclusive,
this defendant has not sufficient knowledge or information to form a
belief and therefore denies it.

III

Admits paragraph 29 (D).

IV

As to the statements contained in paragraph 29 (E) to paragraph 33
inclusive, this defendant has not sufficient knowledge to form a
belief and therefore denies it.

V

The defendant admits paragraphs 34 and 35.

VI

As to paragraph 36, this defendant alleges, that it has no sufficient
knowledge or information to form a belief except as hereinafter set
forth and therefore denies it.

VII

As to the allegations in paragraph 37, defendant alleges, that it
has not sufficient knowledge or information to form a belief except
as hereinafter set forth and therefore denies it.

VIII

As to allegations in paragraphs 38 and 39 defendant alleges that it
has not sufficient knowledge or information on which to form a

belief except as hereinafter set forth and wherefore denies it.

LX

That the said defendant, The Lake Bottom Canal Company, for a further answer and affirmative defence alleges:

That on the 5th day of February, A.D. 1902, in a case then pending in the District Court of the Fourth Judicial District of the State of Utah, in and for Utah County, wherein Provo City, et al were plaintiffs and the West Union Canal et al were defendants, a certain ~~Decree~~ Decree was rendered, commonly known as the Morse Decree, which Decree adjudicated the several water rights of the parts of the said action among others, those of the defendants and awarding to it certain amount of water at different ~~times~~ stages of the amount of water in Provo River, which Decree is hereby referred to and as far as applicable to the plaintiff and this defendant is made a part of this answer.

X

That by mutual agreement and stipulation by and between the said plaintiff and this defendant, this defendant is accorded the rights awarded to it by said decree, subject, however, only to the terms of a Decree of this Court made and enacted on the 26th day of January, 1907, and commonly known as the Chidester Decree. Wherein the said Decree changes in any manner the rights of this defendant as given to it by the said Morse Decree and which Chidester Decree is hereby referred to in so far as it affects the rights of this plaintiff and defendant it is hereby made a part of this answer.

WHEREFORE, said defendant, The Lake Bottom Canal Company, prays judgment that it may be decreed to have the rights to the use of water as awarded to it by the said "Morse Decree" and particularly described as follows, to-wit:

That when the water of said Provo River at and near the mouth of Provo Canyon exceeds 15000 cubic feet per minute that this defendant is to have .0545 thereof.

That when the volume of water of Provo River near and below the mouth of Provo Canyon, in Utah County, becomes reduced in quantity, at said point, to a volume not exceeding 15000 cubic feet of water per minute, and until the same becomes reduced in quantity, at said point, to a volume not exceeding twelve thousand cubic feet of water per minute, this defendant shall be entitled to the following propor

tions thereof, to-wit: The Lake Bottom Canal Company..... .0595
That when the volume of water flowing in said River, near and below
the mouth of Provo Canyon, Utah County, becomes reduced in quantity
at said point, to a volume not exceeding twelve thousand cubic feet
of water per minute, and from then down to the lowest stage the
volume of water in said River may reach at said point, the defendant
herein shall be entitled to the following proportions thereof, to-wit
The Lake Bottom Canal Company..... .0633.

That in case the supply and flow of said water should not be suffi-
cient from seepage and percolation, to supply the amount of said
rights of the defendant, said Lake Bottom Canal Company, that it
shall then be entitled to its proportion of water from and of the
flowing waters of said Provo River to the quantity herein before
stated. And that this defendant recover its costs.

State of Utah
SS
County of Utah.

Alfred L. Booth
Atty for Lake Bottom
Canal Co

W. W. Goodridge being first duly sworn on his oath

says; that he is an officer to-wit
of the said defendant, The Lake Bottom Canal Company, that he has
read the foregoing answer and knows the contents thereof and that
the same is true of his own knowledge except as to those matters
stated on his information and belief and as to those matters he
believes it to be true.

W. W. Goodridge
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Subscribed and sworn to before me this 26 day of May, 1914.

Alfred L. Booth
Notary Public



My Commission expires April 25-1915